

Notice of Allowability	Application No.	Applicant(s)	
	09/285,700	NISHIDA ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment dated 3/31/05.
2. The allowed claim(s) is/are 53,54,57-61 and 64-71.
3. The drawings filed on 05 April 1999 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

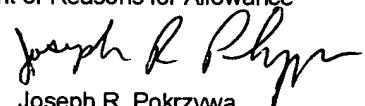
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



Joseph R. Pokrzywa
Primary Examiner
Art Unit: 2622

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/31/05, and has been entered and made of record. Currently, **claims 53, 54, 57-61, 64-71, and 74** are pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Pieprz on Monday, June, 27, 2005.

The application has been amended as follows:

In **claim 61**, line 13, "the facsimile destination" was changed to read "the destination terminal".

In **claim 64**, line 13, "the facsimile destination" was changed to read "the destination terminal".

Claim 74 was canceled.

Allowable Subject Matter

3. **Claims 53, 54, 57-61, and 64-71** are allowed (renumbered as **claims 1-4, 6, 8, 10-12, 14, 5, 7, 9, 13, and 15, respectively**).
4. The following is an examiner's statement of reasons for allowance:

Regarding **claims 53, 59, 60, 61, and 66 (renumbered claims 1, 6, 8, 10, and 14, respectively)**, in the examiner's opinion, at the time the invention was made, it would not have been obvious to have an apparatus, as claimed, include the features of detecting identification information included in a non-standard signal from a destination during a facsimile protocol communication, disconnecting the facsimile communication upon detecting the identification information, and performing e-mail communication with the destination upon disconnection of the facsimile communication. The closest prior art, previously indicated as Fite, Jr. *et al.* (U.S. Patent Number 5,517,324), Williams *et al.* (U.S. Patent Number 6,192,045), and Suzuki (U.S. Patent Number 6,005,677), each fail to expressly teach of performing an e-mail communication to the destination upon disconnecting the facsimile communication, based on detecting identification information in a non-standard signal. Because of this, which was added in the amendment dated 3/31/05, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shanmugham (U.S. Patent Number 6,735,289), having a later filing date, not qualifying as prior art, discloses a device that transmits an email message upon disconnection of a first path when a fax tone is detected;

Ishibashi et al. (U.S. Patent Number 6,374,291) discloses a communication terminal device that transmits data to a destination by both e-mail and by facsimile; and

Ogiyama (U.S. Patent Number 6,020,981) discloses a system that disconnects facsimile communication upon detecting identification information in the non-standard facsimile signal, but fails to discuss starting an e-mail communication with the destination upon disconnection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622

jrp

